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14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 **BISHOP PAIUTE TRIBE, a federally**  
18 **recognized Indian tribal government,**

19 Plaintiff,

20 v.

21 **GAVIN NEWSOM, Governor of the State**  
22 **of California, and the STATE OF**  
23 **CALIFORNIA,**

24 Defendants.

1:20-cv-01318-ADA-SKO

**JOINT STIPULATION FOR  
APPOINTMENT OF MEDIATOR  
SCOTT BALES; ORDER**

**(Doc. 61)**

1 Frank Lawrence and Zehava Zevit, attorneys of record for plaintiff Bishop Paiute Tribe, a  
2 federally recognized Indian Tribe (Plaintiff), on the one hand, and Noel A. Fischer and Lisa L.  
3 Freund, Deputy Attorneys General, attorneys for defendants Governor Gavin Newsom, in his  
4 official capacity as Governor of California, and the State of California (State) (collectively, State  
5 Defendants) on the other hand, stipulate as follows:

6 Whereas, on September 15, 2020, Plaintiff filed its Complaint for Declaratory and  
7 Injunctive Relief (Complaint) against the State Defendants seeking relief under the Indian  
8 Gaming Regulatory Act (IGRA), 25 U.S.C. §§ 2710-2721.

9 Whereas, on January 26, 2023, the Court, based upon a stipulation by the Plaintiff and  
10 State Defendants (Parties), granted summary judgment in Plaintiff's favor on the Complaint,  
11 consistent with the Ninth Circuit's decision in *Chicken Ranch Rancheria of Me-Wuk Indians v.*  
12 *California*, 42 F.4th 1024 (9th Cir. 2022), and the undisputed facts agreed upon by the parties.  
13 (Doc. 54.)

14 Whereas, on January 26, 2023, the Court further ordered the Parties to proceed pursuant to  
15 the remedial process set forth in 25 U.S.C. §§ 2710(d)(7)(B)(iii)-(vii). (Doc. 54.)

16 Whereas, as part of the remedial process set forth in 25 U.S.C. §§ 2710(d)(7)(B)(iii)-(vii),  
17 the Parties now jointly request this Court to appoint Scott Bales, retired Chief Justice of the  
18 Arizona Supreme Court (Justice Bales), to serve as the Court-appointed mediator pursuant to 25  
19 U.S.C. §§ 2710(d)(7)(B)(iv). A copy of Justice Bales' Curriculum Vitae is attached hereto as  
20 Exhibit A.

21 Whereas, Justice Bales' mediation service has advised the Parties that he is available to  
22 accept this appointment by the Court.

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1           Whereas, if this Court appoints Justice Bales, the Parties will jointly advise him of the  
2 appointment, prepare and submit to him joint instructions on his duties as a court-appointed  
3 mediator under 25 U.S.C. § 2710(d)(7)(B)(iv), and establish with his mediation service a  
4 mutually acceptable time schedule for Justice Bales to complete the performance of his mediator  
5 duties.

6           Therefore, the Parties respectfully request that this Court appoint Justice Bales as the  
7 mediator in this case.

8 Dated: October 3, 2023

Respectfully submitted,

9  
10 ROB BONTA  
Attorney General of California  
11 T. MICHELLE LAIRD  
Acting Senior Assistant Attorney General  
12 LISA L. FREUND  
Deputy Attorney General

13           */s/ Noel A. Fischer*

14 NOEL A. FISCHER  
15 Deputy Attorney General  
*Attorneys for Defendants*

16  
17  
18 Dated: October 3, 2023

Respectfully submitted,

19 LAW OFFICE OF FRANK LAWRENCE

20           */s/ Frank Lawrence (as authorized*  
21           *on 10/3/23)*

22 Frank Lawrence  
*Attorneys for Plaintiff*

**ORDER**

Pursuant to the joint stipulation by the Parties (Doc. 61), the Court appoints retired Arizona Supreme Court Chief Justice Scott Bales (Justice Bales) to serve as the mediator in this matter pursuant to 25 U.S.C. § 2710(d)(7)(B)(iv).

The parties are ordered to work cooperatively in jointly advising Justice Bales of his appointment, jointly preparing and submitting to him instructions on his duties as a court appointed mediator under 25 U.S.C. § 2710(d)(7)(B)(iv), and establishing with his mediation service a mutually acceptable time schedule for Justice Bales to complete the performance of his mediator duties.

IT IS SO ORDERED.

Dated: **October 4, 2023**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE